



Senate

General Assembly

January Session, 2013

File No. 645

Senate Bill No. 237

Senate, April 30, 2013

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE RECORDING OF POLICE ACTIVITY BY THE PUBLIC.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2013*) (a) For the purposes of
2 this section, "peace officer" has the meaning provided in section 53a-3
3 of the general statutes.

4 (b) A peace officer who interferes with any person taking a
5 photographic or digital still or video image of such peace officer or
6 another peace officer acting in the performance of such peace officer's
7 duties shall, subject to sections 5-141d, 7-465 and 29-8a of the general
8 statutes, be liable to such person in an action at law, suit in equity or
9 other proper proceeding for redress.

10 (c) A peace officer shall not be liable under subsection (b) of this
11 section if the peace officer had reasonable grounds to believe that the
12 peace officer was interfering with the taking of such image in order to
13 (1) lawfully enforce a criminal law of this state or a municipal

14 ordinance, (2) protect the public safety, (3) preserve the integrity of a
15 crime scene or criminal investigation, (4) safeguard the privacy
16 interests of any person, including a victim of a crime, or (5) lawfully
17 enforce court rules and policies of the Judicial Branch with respect to
18 taking a photograph, videotaping or otherwise recording an image in
19 facilities of the Judicial Branch.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	New section

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Department of Emergency Services and Public Protection	GF - Potential Cost	See Below	See Below

Municipal Impact:

Municipalities	Effect	FY 14 \$	FY 15 \$
All Municipalities	Potential Cost	See Below	See Below

Explanation

There are potential costs related to legal proceedings and judgments for the Department of Emergency Services and Public Protection and municipalities associated with this bill.

The bill allows individuals to bring civil suits against peace officers who interfere with the video and still image recording of their actions in the course of their duties. In general, public servants are indemnified from civil action during the performance of their jobs. Provided the officer's action was not willful, wanton or reckless, the bill potentially creates civil suits in which the law enforcement agency is liable for damages and legal costs.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 237*****AN ACT CONCERNING THE RECORDING OF POLICE ACTIVITY BY THE PUBLIC.*****SUMMARY:**

This bill makes peace officers potentially liable for damages for interfering with a person taking a photograph, digital still, or video image of either the officer or a colleague performing his or her job duties. Under the bill, officers cannot be found liable if they reasonably believed that the interference was to:

1. lawfully enforce a criminal law or municipal ordinance;
2. protect public safety;
3. preserve the integrity of a crime scene or criminal investigation;
4. safeguard the privacy of a crime victim or other person; or
5. enforce Judicial Branch rules and policies that limit taking photographs, videotaping, or otherwise recording images in branch facilities.

As under existing law, officers are generally entitled to indemnification (repayment) from their state or municipal employer if they are found liable in a civil action for conduct within their scope of authority, which is not willful, wanton, or reckless.

EFFECTIVE DATE: October 1, 2013

BACKGROUND***Peace Officers***

Under state law, "peace officers" are state or local police officers,

Criminal Justice Division inspectors, state or judicial marshals performing their duties, conservation or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, Department of Correction (DOC) officials authorized to make arrests in DOC facilities, Treasurer's Office investigators, and federal narcotics agents (CGS § 53a-3).

Related Bill

HB 6373 (File 124), reported favorably by the Public Safety and Security Committee, authorizes the Department of Emergency Services and Public Protection, with the chief state's attorney's approval, to enter agreements with the Mohegans and Mashantucket Pequots regarding the law enforcement powers of each tribe's police officers and makes officers under such agreements "peace officers."

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 26 Nay 17 (04/12/2013)